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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,903	01/21/2004	Ming-Chu King	252011-1400	4225

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THOMAS, KAYDEN, HOSTEMEYER & RISLEY LLP  
100 GALLERIA PARKWAY  
SUITE 1750  
ATLANTA, GA 30339

EXAMINER

NGUYEN, VINCENT Q

ART UNIT PAPER NUMBER

2858

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

1/11/06

<b>Office Action Summary</b>	<b>Application No.</b> 10/761,903	<b>Applicant(s)</b> KING ET AL.	
	<b>Examiner</b> Vincent Q. Nguyen	<b>Art Unit</b> 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>11/10/06</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/21/2004</u> . | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of invention of claims 1-9 and new added claim 20 and are tentatively withdrawn claims 10-19 from consideration on the reply filed on 10/27/2006 is acknowledged. The traversal is on the ground(s) that: "Applicant does note, however, that the MPEP requires that no such election or restriction be required, when the application can be searched and examined without undue burden on the Examiner. Applicant believed that all claims 1-19 could have been so examined in this application. Applicant understands that, by advancing this restriction, the Examiner acknowledges that any prior art used to reject the elected claims will not be used to reject claims of other group in any ensuing divisional application, because any such rejection would be tantamount to an admission that the examination of those claims could have proceeded with the current claims, with no undue burden to the Examiner."

This is not found persuasive because:

a) Examiner does not see where the "MPEP requires that no such election or restriction be required". The Election/Restrictions was made under MPEP 806.05(c) thus, argument without specifying where Applicant relies on for his argument (e.g. 806.05(c)) is irrelevant.

b) Applicant requested to have the new added claim 20 to be examined is not persuasive. The Election/Restrictions requirement was made under (806.05(c)), which is a combination and subcombination whereas the request for examination of claim 20 because Applicant believes claim 20 is generic to both sets of claims (Species?). The

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request is not persuasive because Examiner does not make Election/Restriction under species.

The requirement is still deemed proper and is therefore made FINAL. Claims 10-20 are withdrawn further from consideration.

***Allowable Subject Matter***

2. Claims 1-9 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a test circuit for identification of locations with low speed performance having pairs of serially connected fourth switch and third inverter, each coupled between the first and second inverter of one of the units in a first column; and pairs of serially connected fifth switch and fourth inverter, each coupled between the second and first inverter respectively of a last and first unit in a same column, as recited in the independent claims 1 and 5 and in combination of the claims.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Q. Nguyen whose telephone number is (571) 272-2234. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
November 11, 2006

Vincent Q. Nguyen  
Primary Examiner  
Art Unit 2858